

CUSTOMER NO.: 24498
Serial No.: 10/759,727
OA/Restriction dated: 10/18/07
Response dated: 12/06/07

PATENT
PD030019

Remarks/Arguments

Claims 1-9 are pending and are subject to restriction requirement.

Claims 2 and 6 are amended to correct typographical errors and Figure 6 is amended to add a symbol indicating an input to the control circuit 100. The amended claims are the same as those listed on applicants' reply of December 6, 2007

Drawings

Figure 6 is amended to include an IN box between the control circuit 100 and the photo diode detection circuit 122. As in Figure 1, this IN box indicates the input to the control circuit 100. See, for example, page 4, lines 15-16. No new matter is added. It should be noted that the control circuit 100 in Figure 6 is the same as the control circuit 100 in Figure 1. See, for example, page 7, lines 6-9. The amended drawing is the same as the one included in applicants' reply of December 6, 2007

Restrictions

Applicants thank Examiner and the Primary Examiner for taking the time to talk to the undersigned over the telephone on February 29, 2008. The interview was helpful in clarifying the issues.

Applicants hereby elect the species shown in Figure 1 and Figure 3 without prejudice to the subject matter to which the claimed invention relates. Applicants believe that claims 1-3, 5-7, and 9 read on this elected species. The election is not a disclaimer that these claims do not read on other species disclosed in the specification and is not a disclaimer that these claims are limited to the embodiments disclosed in the specification.

As pointed out during the interview, applicants are unable to elect one of Figures 4 and 5 because Figures 4 and 5 respectively show how the electronic circuits shown in Figure 1 and 6 adapt to the two different types of laser diodes and both signal reactions are claimed in the independent claims 1, 5, and 9.

Figure 6 illustrates in addition to Figure 1 that the control circuit formed by the blocks illustrated with reference numerals 100, 108 and 106 between IN and OUT can also be combined with different means for detecting light emitted by one of said

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two different types of laser diodes, which according to the present invention will be detected automatically. That means that the control circuit (reference numerals 100, 108 and 106 between IN and OUT) adapts automatically to the one type of laser diode connected to the output OUT of the control circuit. The device in Figure 6 further includes an element 122, so that either type of photodiode (diode 118 or reverse biased photodiode 124) may be used for measuring the light emission from a connected laser diode.

Assuming that Figures 1 and Figure 2 are elected, applicants believe that claims 1-3, 5-7, and 9 are still the readable claims because Figures 2 and 3 are only different embodiments, which perform the same features of "detecting of a light emission of the laser diode" and "if no light emission is measured: starting the control of the supply voltage of the light source after the first reference voltage has been reached, (and) if a light emission is measured: gradually changing the supply voltage into the direction of the second reference voltage and starting the control of the supply voltage of the light source after the second reference voltage has been reached," as recited in these claims.

For illustration purposes, if the species shown in Figure 6 and Figure 3 (or Figure 2) is elected, the readable claims would be all the claims 1-9. Therefore, claims 1-3, 5-7, and 9 are generic claims; and claims 4 and 8 are Figure 6 species claims. Since claims 4 and 8 respectively depend from independent claims 1 and 4, the Figure 6 species claims necessarily include all the features recited in the Figure 1 species claims. As such, the restriction requirement is improper because the subcombination (a Figure 1 species claim) is essential to the combination (a Figure 6 species claim). See MPEP 806.05(c)I. As such, applicants respectfully request withdrawal of the restriction requirement.

To help understand the invention, Applicants take this opportunity to further clarify two points raised in the Office Action and during the interview. The Office Action indicates that the circuit in Figure 6 includes "an additional detector for the plurality (sic) of measurement signal." Applicants point out that that even though both photo diode 118 and *reverse biased* photo diode 124 are shown in Figure 6, only one of them can be used at a time. The showing of two photo diodes is to demonstrate that the system can adapt to either one. Regardless which one of them

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is used, the photo diode detection circuit 122 delivers the same input signal INCOMP as in Figure 1 to the control circuit 100. See page 7, lines 13-17.

Similarly, although Figure 1 shows two laser diodes 110 and 114, only one laser diode can be connected to the control circuit 100 at a time because a control circuit can control only a laser diode at a time. The showing of the two laser diodes in Figure 1 merely demonstrates that the circuit can adapt to either one of the two laser diodes. See page 4, lines 23-27. Since the same control circuit 100 is used in Figure 6, although Figure 6 does not show any laser diode, a person skilled in the art would understand that a laser diode must be connected to the output of the control circuit 100 in a final product, so that the control circuit 100 can adapt to the laser diode and control the laser diode accordingly.

If the Examiner has any question about the invention, please do not hesitate to contact the undersigned.

Conclusion

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Fee


No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

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Respectfully submitted,
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Attachment: Replacement Sheet 4

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